

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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WORLDWIDE HOME PRODUCTS, INC.,

NO. 1:11-cv-3633 (LTS)(MHD)

Plaintiff and
Counterclaim-Defendant,

ECF Case

v.

NOTICE OF MOTION

TIME INC., BED BATH & BEYOND INC.,
COHESION PRODUCTS, INC., and SHERRY
HANSON,

Oral Argument Requested

Defendants and
Counterclaimants.
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion for Recovery of Attorney Fees and Related Expenses, the Declaration of Edward F. O'Connor and the exhibits attached thereto, the Declaration of Uleses C. Henderson, Jr. and the exhibits attached thereto, and all prior pleadings and proceedings had herein, Defendants Bed Bath & Beyond Inc. and Cohesion Products, Inc. moves the Court before the Honorable Laura Taylor Swain, at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 11C, New York, New York 10007, at a date and time to be designated by the Court, for an Order pursuant to Federal Rule of Civil Procedure 54(d), 35 U.S.C. § 285, and 28 U.S.C. § 1927 finding this action to be an "exceptional case" and awarding Defendants (a) all of their attorneys' fees and related nontaxable litigation expenses and costs in connection with this action; and/or (b) such other and further relief as this Court may deem just and proper.

Affirmation Under Individual Practice Rule 2.B

Defendants hereby certify that their counsel exchanged correspondence with Plaintiff's counsel in an effort to resolve the issues raised by this motion but were unable to reach any resolution or otherwise eliminate the need for this motion.

Respectfully Submitted,

Dated: October 29, 2013

s/ Uleses C. Henderson, Jr.
Edward F. O'Connor (admitted *pro hac vice*)
Uleses C. Henderson, Jr. (admitted *pro hac vice*)
THE ECLIPSE GROUP, LLP
2020 Main St., Suite 600
Irvine, California 92614
Telephone: 949.851.5000
Facsimile: 949.851.5051
efo@eclipsegrp.com
uch@eclipsegrp.com

Attorneys for Defendants
BED BATH & BEYOND INC. and
COHESION PRODUCTS, INC.